

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	<b>CIV 10-084-FHS</b>
	)	
<b>1)CHARLES O. DUCKETT, a.k.a. Charles</b>	)	
<b>Duckett, a.k.a. Charles Otis Duckett;</b>	)	
<b>2)EVELYN D. DUCKETT, a.k.a. Evelyn Deloris</b>	)	
<b>Duckett, a.k.a. Evelyn Duckett, deceased, the</b>	)	
<b>unknown heirs, executors, devisees, trustees and</b>	)	
<b>assigns of Evelyn Deloris Duckett, deceased;</b>	)	
<b>3)MARCUS DUCKETT;</b>	)	
<b>4)KATIE DUCKETT;</b>	)	
<b>5)CAPITAL ONE BANK;</b>	)	
<b>6)FORD MOTOR CREDIT CORPORATION;</b>	)	
<b>7)ERIN CAPITAL MANAGEMENT, LLC;</b>	)	
<b>8)COLLINS FINANCIAL SERVICES, INC.;</b>	)	
<b>9)NCO PORTFOLIO MANAGEMENT</b>	)	
<b>CAPITAL ONE;</b>	)	
<b>10)STATE OF OKLAHOMA, ex rel</b>	)	
<b>Department of Human Services;</b>	)	
<b>Defendants.</b>	)	

**REPORT AND RECOMMENDATION**

Now on July 9, 2014, the undersigned Magistrate Judge takes under consideration the motion of plaintiff for confirmation of the sale of real estate made by the United States Marshal for the Eastern District of Oklahoma on February 18, 2014, under a Special Execution and Order of Sale issued out of the office of the Clerk of the United States District Court for the Eastern District of Oklahoma directing the sale of the following described real estate and premises situated and being in McCurtain County, Oklahoma, to-wit:

All that part of the SE4 of SW4 of SE4 of Section 21, Township 9 South, Range 25 East of the Indian Base and Meridian, described as follows:

Begin 104 feet East of the SW corner of the SE4 of SW4 of SE4 of said Section 21; run thence North 416 feet; Thence East 104 feet; Thence South 416 feet; Thence West 104 feet to the point of beginning.

The undersigned Magistrate Judge has examined the proceedings of the United States Marshal under the Special Execution and Order of Sale, as well as the objections filed by Mr. Charles Duckett regarding two tracts of land [Docket No. 150]. Additionally, the undersigned Magistrate held a hearing on the Motion to Confirm the sale, and Mr. Duckett provided additional testimony regarding his objections. The undersigned Magistrate Judge now finds that the defenses set forth by Mr. Duckett could have and should have been raised prior to the Amended Journal Entry of Judgment [Docket No. 102] entered on May 16, 2012, and therefore should not be entertained absent an appropriate Motion to set aside the default judgment. Additionally, the undersigned Magistrate Judge finds that due and legal notice of the sale was given by publication once a week for at least four weeks prior to the date of sale in the McCurtain Gazette, a newspaper published and of general circulation in McCurtain County, Oklahoma, as appears more fully from the proof of publication filed herein, and that on February 18, 2014, the property was sold to William Price, for the sum of \$833.34, being the highest and best bidder. The Court further finds that the sale was in all respects in conformity with the law and judgment of this Court.

IT IS THEREFORE RECOMMENDED that the United States Marshal's Sale and all proceedings under the Order of Sale are hereby approved and confirmed and that the United States Marshal for the Eastern District of Oklahoma make and execute to the purchaser, William Price, a good and sufficient deed for the property.

IT IS FURTHER RECOMMENDED that after the execution and delivery of the Deed to the purchaser by the United States Marshal, the purchaser is hereby granted possession of the property

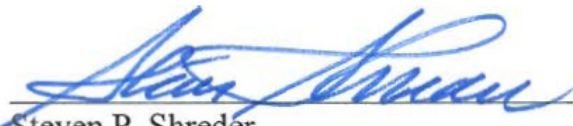
against any or all persons now in possession.

IT IS FURTHER RECOMMENDED that the proceeds of the sale conducted herein be disbursed by the United States Marshal for the Eastern District of Oklahoma as follows:

FIRST:	The sum of . . . . .	\$ 833.34
	Payable to US Department of Justice in partial satisfaction of plaintiff's judgment of . .	\$279,306.12
	which includes:	
	Unpaid principal of . . . .	\$274,920.10
	Interest to judgment & sale . . . .	\$ 4,386.77

SECOND: The residue, if any, to be paid to  
the Clerk of this court to abide  
the further order of the court.

IT IS SO ORDERED this 9th day of July, 2014.

  
\_\_\_\_\_  
Steven P. Shreder  
United States Magistrate Judge  
Eastern District of Oklahoma